IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 2491 of 2006
Date of decision: 2.4.2007

Dharam Pal and others ... Petitioners

Versus

State of Haryana and others ...Respondents.

CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL
HON'BLE MR. JUSTICE AJAI LAMBA

Present: Mr. ND Achint, Advocate,
for the petitioners.

Mr. Ashish Kapoor, Additional Advocate General,
Haryana.

K.S.GAREWAL, J.

Dharampal and eight others of Khandsa District, Gurgaon, have filed this petition to challenge the acquisition of their lands vide notification dated January 29, 2003 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as **the Act**) for the public purpose for setting up of an industrial complex to be planned and developed as Special Economic Zone, Phase-I in various villages of Gurgaon including Khandsa by Haryana State Industrial Development Corporation.

The petitiones filed objections under Section 5-A of the Act which were disregarded. Therefore, declaration under Section 6 of the Act

was issued on January 28, 2004. Aggrieved by these acquisition proceedings, the petitioners alongwith many other parties filed CWP 3892 of 2004 which was disposed of with a direction that their claims be re-considered by the respondents. Consequently, the petitioners claims were considered by the specially empowered Committee on January 19, 2006.

The Committee recorded the following remarks:-

> "A linear strip of land situated in the middle of the land under acquisition its release will interfere in the integrated planing and development however the Committee recommends the release only of the school building with proportionate open space and the remaining for acquisition."

This Bench in the case of Chattar Singh and others Versus The State of Haryana and others, Civil Writ Petition No. 20139 of 2004 decided on April 2, 2007 had considered the public purpose stated in the notifications under Sections 4 and 6 of the Act for the purpose of setting up of an industrial complex to be planned and developed as Special Economic Zone Phase-I, Khanda. Industrial Infrastructure Development Policy was also taken into account. Guidelines for release of land by the Committee were noted and it was held that "the mode and manner in which the Committee had determined whether a particular parcel of land where some industrial activity was taking place should be released or not shows that the Committee was extremely fair, just and impartial in considering claims of parties for release of land from acquisition. The Committee had been given detailed guidelines which have been mentioned above. The Committee adhered to these guidelines and did not hesitate from releasing property from acquisition if the case fell within the parameters laid down. The report

of the Committee shows that a number of properties were released. Therefore, when a particular property was not released from acquisition it must have been because the cases were not covered by the guidelines. The decision of the Committee in respect of the petitioners' has been given above. Since the petitioners' case was not covered by the guidelines, it was not recommended for release. We are not inclined to interfere with the decision of the expert body."

We are not inclined to interfere with the decision of the expert body.

We find no merit in this petition, therefore, the petition is . dismissed.

(K.S. GAREWAL)
JUDGE

2.4.2007 **(AJAI LAMBA)**
prem **JUDGE**